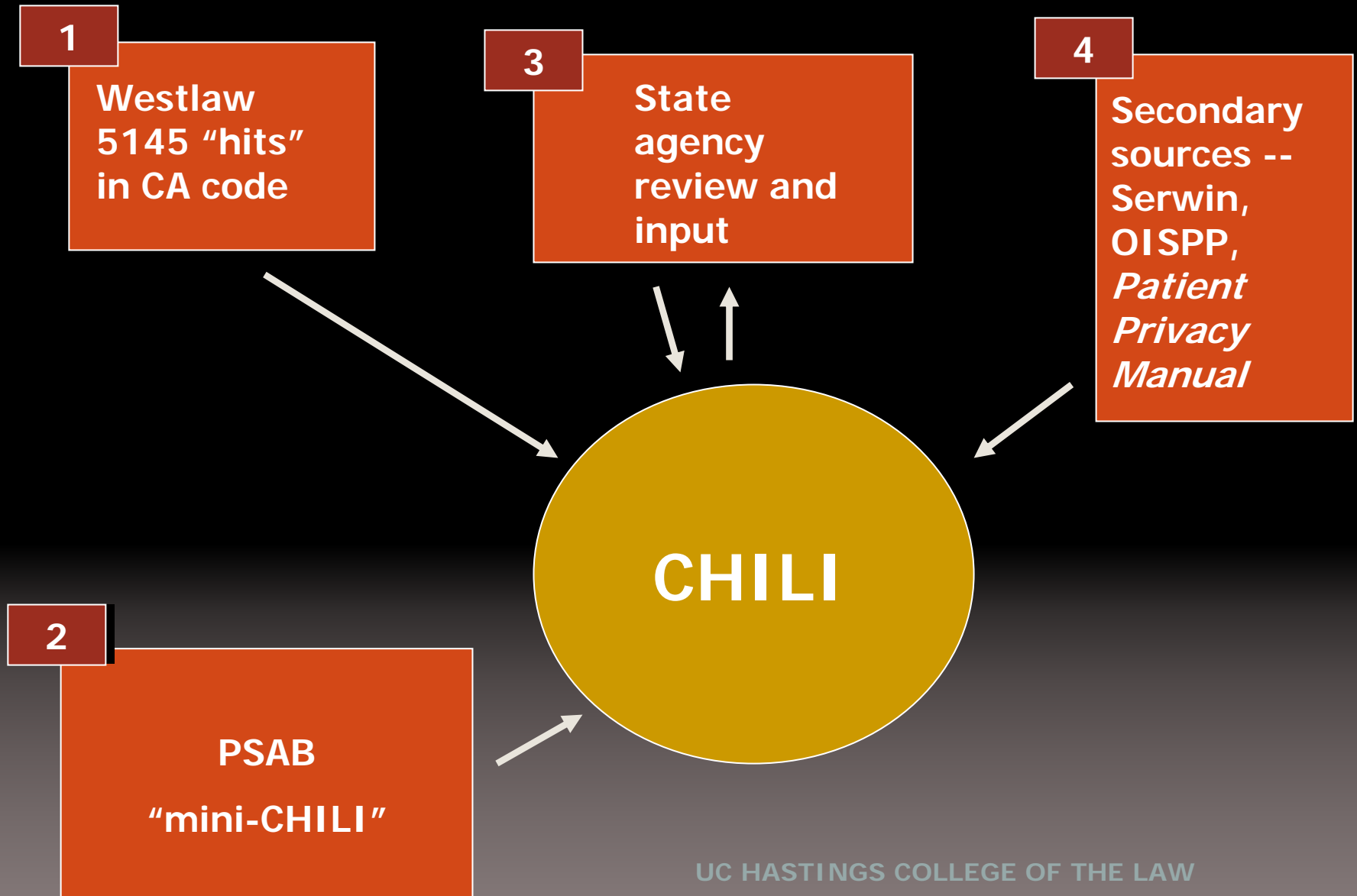


# THE CHILI SEARCH ENGINE

California Health Information Law for All

# Work plan



UC HASTINGS COLLEGE OF THE LAW

CENTER FOR STATE & LOCAL GOVERNMENT LAW

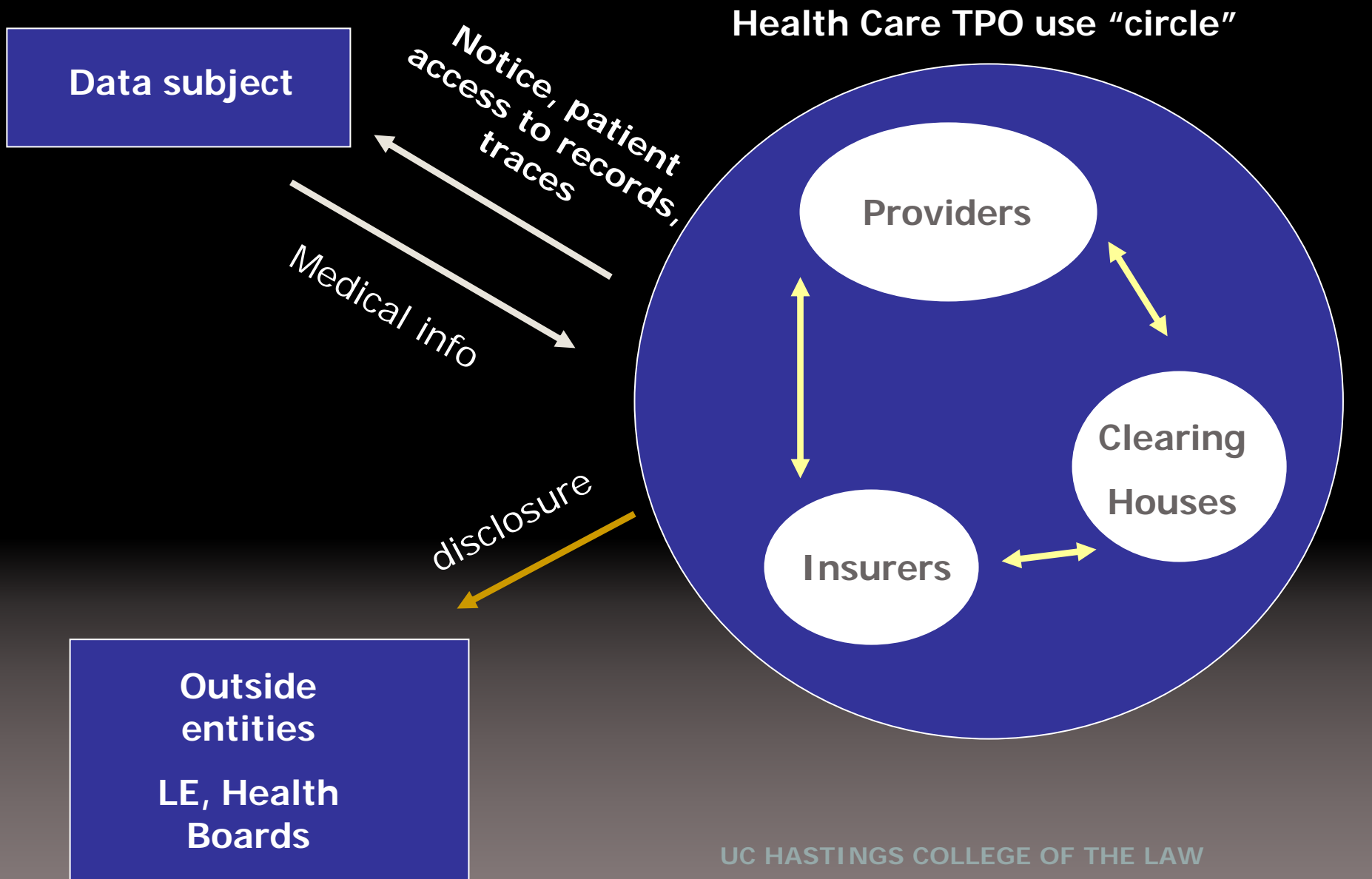
# The CHIL standard

- Does the law
  - Concern personal health information; and
  - Affect the balance between the privacy/security rights of individuals with the power of government and private actors?
- Does the law resonate with HIPAA/HITSP categories?

# The CHILI fields

- California law
- Summary
- Cross references
- Pre-emption analysis
- HIPAA tag
- HITSP tag
- Who's bound by the law?
- Who created the data?
- Administrative penalties?
- Private right of action?

# The HIPAA Model

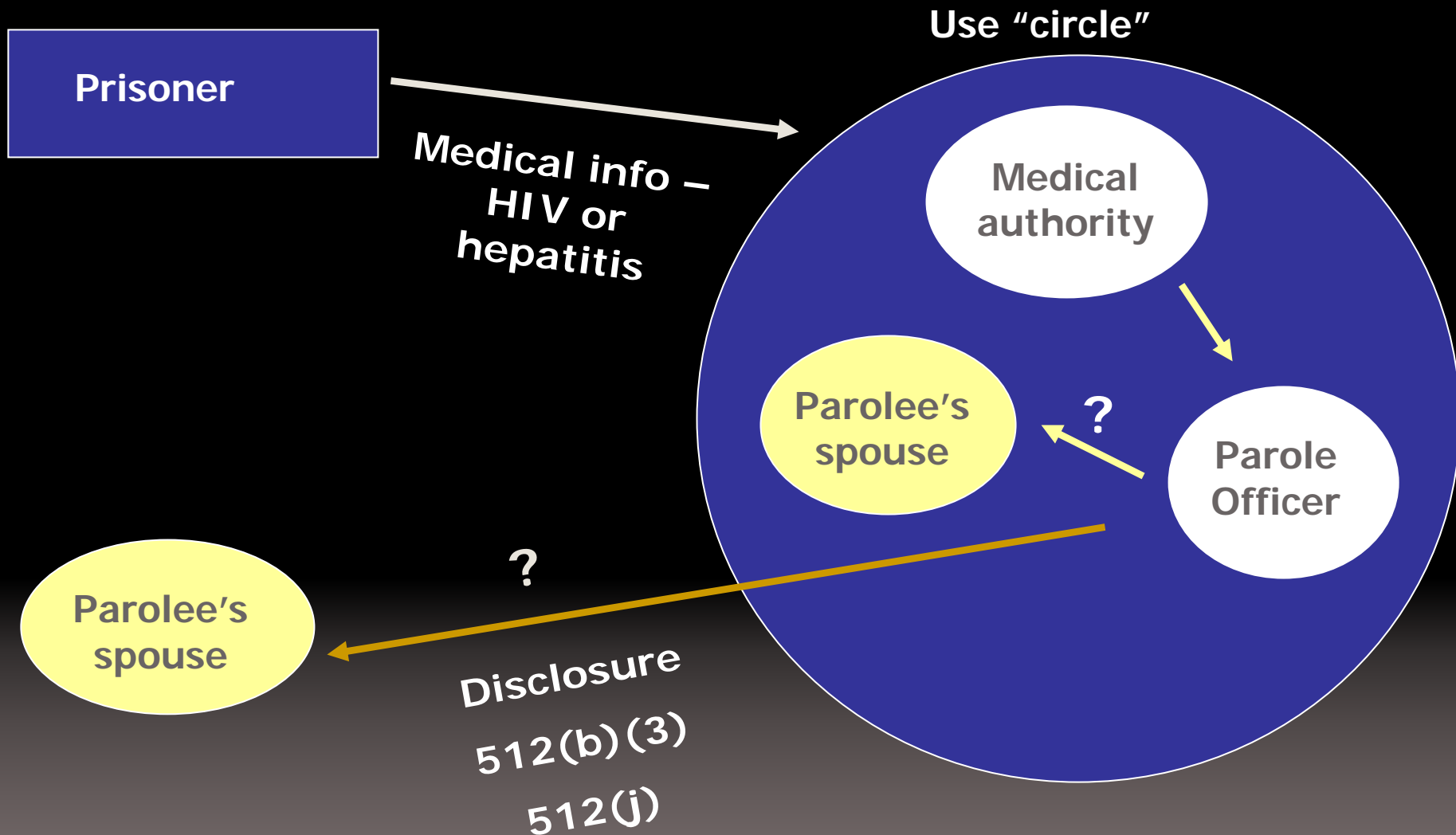


# Mapping a CHLI-worthy law

## Penal 7521(a)

When a parole or probation officer learns from responsible medical authorities that a parolee or probationer in his custody has HIV, hepatitis B or C and that the parolee has not told his or her spouse, the officer may ensure that this information is relayed to the spouse.

# Mapping to HIPAA



# The Limits of HIPAA

Problem: HIPAA has no ready categories for many laws in CHILI

Solution: Create keywords for these types of California health information law



# California keywords

## Type of Person/Patient

- infant (includes newborn)
- pediatric (includes child and migrant child)
- minors (includes students, pupils)
- women (includes “female prisoners”)
- elderly
- recipient of social services (includes “public social services”)
- incapacitated (includes “adult day health care”)
- developmentally disabled
- disabled (includes “disabled” and “disability proceedings”)
- mental health patients
- users of reproductive health services
- victims of domestic violence
- employees (includes “workers compensation”)
- prisoners (includes inmates, parolees, probationees)
- athletes
- enrollees
- decedents

# CHILI search portal

## Free text search

Google the entire database

## HIPAA

Find California laws similar to the federal HIPAA regulations

## California keywords

CalOHii's health information law keywords

## HITSP

HITSP's general health information law principles

## California statutes

Get specific California laws or major California privacy statutes

## Other tools

Find California laws that carry civil penalties, apply HIPAA pre-emption analysis and more

# California keyword search

Each provision of California law meeting the CHILI criteria has been tagged with a variety of keywords, broken down into the following categories. Click on a category to see the list of terms under each to pursue your search.

Health Information in Treatment

Health information outside of treatment

Specific health issues

Entities controlling health information

Type of person/patient

Requirements for health records

# Keyword category

These are the individual keywords in the category “Health information in treatment”; click to see the individual California codes.

## Health Information in Treatment (300)

Examination (32)

Evaluation (35)

Screening (45)

Blood information (20)

Laboratory result (22)

Prognosis (20)

Treatment information (5)

Discharge information (3)

## Prescriptions (54)

Emergency care (43)

## continued

Telemedicine (5)

Interstate data transfer (1)

Health insurance (89)

Definition of health information (5)

Consent (110)

Confidential medical comms. (38)

Disclosures to patients (60)

# Results for “Prescriptions”

## Keyword intersections

Prescriptions (54 hits) and
Records security (2)
Government benefits (5)
HIV/AIDS (10)
Electronic records (4)
and .....
preemption analysis (2)
penalty (5)
HITSP disclosure (10)

## California laws tagged with “prescriptions”

California Code	Summary
Bus. & Prof. 5327	Requires a report on identification of systems to protect confidential personal and medical information in electronic prescriptions ....
<a href="#">Welf. &amp; Inst. Code 4514.5</a>	If a family member of a developmentally disabled resident requests and the resident authorizes, the facility shall inform the requester as to the resident's diagnosis, prognosis, medications prescribed....
Welf. & Inst. 14117	Upon request of treating physician, the department or its agents must disclose information relating to medication provided to Medi-Cal recipients....

# Detailed results for Welf. & Inst. 4514.5

**California citation:** Welf. & Inst. Code 4514.5

**Summary:** If a family member or other designated person by the developmentally disabled resident requests and the resident authorizes, the facility shall inform the requester as to the resident's diagnosis, prognosis, medications prescribed, progress, and of any serious illness.

**HIPAA analog:** 164.502(g)(1) ; Uses and disclosures of protected health information: general rules; personal representatives - must be treated as the individual with respect to the protected health information

**Major California statute:** [LDDS](#)

**Parties bound:** health care facilities

**HITSP categories:** [Permitted Disclosures](#); [Right to Control Access by Others](#); [Access to Individual's Information by Personal Representative](#)

**California keywords:** [developmentally disabled](#); [prognosis](#) ; [prescriptions](#) ; [treatment information](#)

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# California statute search

Display the CHILI provisions found in each California code by checking the radio buttons; alternatively, you may have the CHILI-relevant provisions of the major California privacy statutes displayed by checking those radio buttons.

Business and Professions Code (40)	Civil Code	CMIA
Code of Civil Procedure (45)	Commercial Code	IPA
Corporations Code	Education Code	IIPA
Elections Code	Evidence Code	LPPS
Family Code	Financial Code	LDS
Fish and Game Code	Food and Agricultural Code	
Government Code	Harbors and Navigation Code	
Health and Safety Code	Insurance Code	
Labor Code	Military and Veterans Code	
Penal Code	Probate Code	
Public Contract Code	Public Resources Code	
Public Utilities Code	Revenue and Taxation Code	
Streets and Highways Code	Unemployment Insurance Code	
Vehicle Code	Water Code	
Welfare and Institutions Code	All	

search



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